

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1382-06  
Bill No.: Truly Agreed To and Finally Passed SS No. 2 for HB 648  
Subject: Mental Health; Disabilities  
Type: Original  
Date: June 9, 2011

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Bill Summary: Changes all references to “mentally retarded” and “mental retardation” to “intellectually disabled” and “intellectual disability” in the Revised States of Missouri.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Mental Health Earnings	Unknown less than \$100,000	Unknown less than \$100,000	Unknown less than \$100,000
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Unknown less than \$100,000</b>	<b>Unknown less than \$100,000</b>	<b>Unknown less than \$100,000</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of Administration - Administrative Hearing Commission, Office of State Courts Administrator, Department of Elementary and Secondary Education, Department of Insurance, Financial Institutions, and Professional Registration, Department of Corrections, Department of Health and Senior Services, Department of Labor and Industrial Relations, Department of Public Safety - Missouri State Highway Patrol, and Office of Prosecution Services** assume the proposal will have no fiscal impact on their agencies.

Officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal is less than \$2,500. The SOS does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the SOS can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the costs of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

Officials from the **Department of Social Services (DSS)** provide the following assumptions regarding this proposal:

#### Mental Retardation Terminology

This proposal eliminates or changes references to "mentally retarded" and "mental retardation" throughout state statutes. In some instances, the term "mentally retarded" or "mental retardation" is simply deleted in favor of the more generic term "developmentally disabled." This is the case in Section 211.202.1 regarding the juvenile court. In other instances, "mentally retarded" and "mental retardation" are changed to "intellectually disabled" and "intellectual disability." Also, statutory references to "handicapped" and "handicapped persons" are also changed to "disabled" and "persons with a disability."

The name of the Division of Mental Retardation and Developmental Disabilities (MR/DD) in the Department of Mental Health is changed to the Division of Developmental Disabilities. The Missouri Advisory Council on Mental Retardation and Developmental Disabilities is changed to the Missouri Advisory Council on Developmental Disabilities.

There is no change in the definition of developmental disability with respect to eligibility for MO HealthNet benefits; therefore, this part of the proposal has no fiscal impact to the MO HealthNet Division (MHD).

ASSUMPTION (continued)

MO HealthNet Oversight Committee (Section 208.955)

The section increases the membership of the MO HealthNet Oversight Committee from 18 to 19 members. Previously, one member of the committee was designated as a "nonphysician health care professional" who cares for MHD participants. This proposal increases such representation to two nonphysician health care professionals, and specifies that one must be a nurse and one must be a licensed psychologist, professional counselor, or social worker.

This section also prohibits the consumer representative, the two patient advocates, and the member of the public who serve as members of the committee from having any financial interest in the health care industry. In addition, they cannot have been employees of the state within the five years prior to their appointment to the committee.

Finally, the two physician members of the committee must be chosen in the same manner as members of the State Board of Registration for the Healing Arts, as outlined in Section 334.120. Similarly, the dentist on the committee must be chosen in the same manner as members of the Missouri Dental Board, as outlined in Section 332.021.

There is no significant fiscal impact. Based on the historical cost of expenses reimbursed to committee members, the annual cost per member is \$216. Since this is a minimal amount, the MHD can absorb the cost of adding one member to the committee.

Adoptive Parents (Section 453.070)

The disability or disease of a prospective adoptive parent shall not constitute a basis for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

The Children's Division does not practice discrimination in the above instances. Therefore, adding this non-discrimination language to state statute will have no fiscal or programmatic impact to the DSS.

Officials from the **Department of Mental Health (DMH)** state the proposed section 630.053.5 allows the use of the Mental Health Earnings Fund (MHEF) for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. These proceeds are to be used for the purpose of funding Mental Health First Aid USA activities. The Department of Mental Health, Office of Transformation has collaborated with the State of Maryland, the National Council for Community Behavioral Healthcare, and Mental Health First Aid (MHFA) founders to create the Mental Health First Aid-USA program. Missouri DMH will

ASSUMPTION (continued)

be included in authorship and copyright of the MHFA-USA manual and instructor training manual/kit. It is unknown at this time how wide spread the use of MHFA will be and how much revenue would potentially be realized as a result of MHFA training and the sale of materials. As a result, DMH assumes an unknown, < \$100,000 impact to the Mental Health Earnings Fund.

Officials from the **Office of State Public Defender (SPD)** did not respond to **Oversight's** request for a statement of fiscal impact. However, in response to previous versions of this proposal, the SPD assumed the proposal would have no fiscal impact on their organization.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
<b>MENTAL HEALTH EARNINGS FUND</b> (§630.053)			

Income - DMH

Sales and training revenues of MHFA-USA information

<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>
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**ESTIMATED NET EFFECT ON MENTAL HEALTH EARNINGS FUND**

<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

HWC:LR:OD

### FISCAL DESCRIPTION

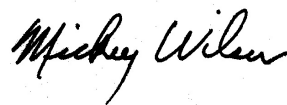
This proposal allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to the approval through the appropriation process, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds made from these sales and services. (§630.053)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Office of Administration -  
    Administrative Hearing Commission  
Office of State Courts Administrator  
Department of Elementary and Secondary Education  
Department of Insurance, Financial Institutions, and Professional Registration  
Department of Mental Health  
Department of Corrections  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Social Services  
Department of Public Safety -  
    Missouri State Highway Patrol  
Office of Prosecution Services  
Office of Secretary of State

**NOT RESPONDING: Office of State Public Defender**



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